

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

WILLIAM MURRAY, et al.,

Plaintiffs,

v.

ANDREW WHEELER, in his official
capacity as Administrator of the U.S.
Environmental Protection Agency, et al.,

Defendants.

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Case No. 1:19-cv-01498-LEK/TWD

NOTICE OF DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT

Motion by:

Defendants Andrew Wheeler, Administrator of the U.S. Environmental Protection Agency; the U.S. Environmental Protection Agency; Ricky D. James, Assistant Secretary of the Army for Civil Works; and the U.S. Army Corps of Engineers.

Motion Calendar Return Date:

12/18/2020 at 09:30 AM in Albany before Senior Judge Lawrence E. Kahn.

Relief and Basis:

An order dismissing the case for lack of subject matter jurisdiction or, in the alternative, upholding the NWPR.

Supporting Papers:

(a) Memorandum of Law

(b) Declaration of Phillip R. Dupré and Exhibits thereto

Respectfully submitted,

DATED: OCTOBER 23, 2020

JONATHAN D. BRIGHTBILL

*Principal Deputy Assistant Attorney General
Environment and Natural Resources Division*

By: /s/ Phillip R. Dupré

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CERTIFICATE OF SERVICE

I hereby certify that, on October 23, 2020, I electronically transmitted the foregoing to the Clerk of Court using the ECF system for filing and transmittal of a Notice of Electronic Filing to registered counsel of record.

/s/ Phillip R. Dupré

PHILLIP R. DUPRÉ